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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To accelerate deployment by Taiwan of the asymmetric defense capabilities required to deter or, if necessary, defeat an invasion of Taiwan by the People's Republic of China, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on _____

A BILL

To accelerate deployment by Taiwan of the asymmetric defense capabilities required to deter or, if necessary, defeat an invasion of Taiwan by the People's Republic of China, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Arm Taiwan Act of
5 2021”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The Department of Defense has warned
5 that the Government of the People’s Republic of
6 China may conclude that it can successfully invade
7 and seize control of Taiwan in the latter half of the
8 2020s.

9 (2) In October 2021, the Minister of National
10 Defense of Taiwan, Chiu Kuo-cheng, echoed these
11 warnings when he stated that the People’s Republic
12 of China—

13 (A) “is capable now” of invading Taiwan;
14 and

15 (B) will have “lowered the costs and
16 losses” associated with invading Taiwan “to a
17 minimum” after 2025.

18 (3) If the People’s Republic of China were to
19 invade and seize control of Taiwan, it would deal a
20 severe blow to United States interests by—

21 (A) destroying one of the world’s leading
22 democracies;

23 (B) casting doubt on the ability and re-
24 solve of the United States to uphold its security
25 commitments;

1 (C) incentivizing other countries in the
2 Indo-Pacific region to bandwagon with the Peo-
3 ple's Republic of China; and

4 (D) facilitating the formation of a regional
5 order dominated by the People's Republic of
6 China in which the Government of the People's
7 Republic of China may—

8 (i) regulate or otherwise limit the abil-
9 ity of individuals in the United States to
10 trade in the Indo-Pacific region, which
11 would have dire effects on the livelihoods
12 and freedoms of such individuals; and

13 (ii) use the Indo-Pacific region as a
14 secure base from which to project military
15 power into other regions, including the
16 Western Hemisphere.

17 (4) Taiwan's proximity to the People's Republic
18 of China, coupled with investments by the People's
19 Republic of China in capabilities designed to delay
20 intervention by the United States Armed Forces in
21 support of Taiwan, means that Taiwan may be
22 forced to delay, degrade, and deny an invasion by
23 the People's Republic of China with limited support
24 from the United States Armed Forces for the initial
25 days, weeks, or months of such an invasion.

1 (5) If Taiwan is unable to delay, degrade, and
2 deny an invasion by the People's Republic of China
3 with limited support from the United States Armed
4 Forces, especially in the initial period of war, then
5 the People's Republic of China may conclude that it
6 is, or may actually be, capable of—

7 (A) invading and seizing control of Taiwan
8 before the United States or any other partner
9 country of Taiwan is able to respond effectively,
10 thereby achieving a fait accompli; and

11 (B) potentially rendering any attempt by
12 the United States or any other partner country
13 of Taiwan to reverse territorial gains by the
14 People's Republic of China prohibitively dif-
15 ficult, costly, or both.

16 (6) To defend itself effectively, especially in the
17 initial period of war, it is imperative that Taiwan ac-
18 celerate deployment of cost-effective and resilient
19 asymmetric defense capabilities, including mobile
20 coastal and air defenses, naval mines, missile boats,
21 man-portable anti-armor weapons, civil defense
22 forces, and their enablers.

23 (7) The deployment of such asymmetric defense
24 capabilities by Taiwan would not only improve the
25 ability of Taiwan to defend itself, but also reduce

1 operational risk to members of the United States
2 Armed Forces under a Taiwan contingency.

3 (8) The President of Taiwan, Tsai Ing-Wen,
4 has—

5 (A) vowed to bolster the national defense
6 of Taiwan and demonstrate Taiwan's deter-
7 mination to defend itself so as to ensure that
8 Taiwan will not be forced to take the path that
9 the People's Republic of China has laid out for
10 Taiwan; and

11 (B) advocated the deployment of asym-
12 metric defense capabilities.

13 (9) The Government of Taiwan has begun tak-
14 ing steps to improve Taiwan's defenses, including by
15 increasing Taiwan's defense budget and through
16 Taiwan's new proposed special defense budget, but
17 far more is needed, and quickly, to ensure that Tai-
18 wan is able to maintain a sufficient self-defense ca-
19 pability.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) the threat of an invasion of Taiwan by the
23 People's Republic of China is increasing rapidly and
24 expected to reach especially dangerous levels by the
25 latter half of the 2020s;

1 (2) the United States has a strong interest in
2 preventing the People's Republic of China from in-
3 vading and seizing control of Taiwan, especially by
4 ensuring that Taiwan is able to maintain a sufficient
5 self-defense capability;

6 (3) the United States should establish a secu-
7 rity assistance initiative so as to accelerate, to the
8 greatest extent possible, Taiwan's deployment of
9 cost-effective and resilient asymmetric defense capa-
10 bilities;

11 (4) the United States should provide such as-
12 sistance on the condition that Taiwan—

13 (A) matches investments by the United
14 States in its asymmetric defense capabilities;

15 (B) increases its defense spending to a
16 level commensurate with the threat it faces;

17 (C) prioritizes acquiring cost-effective and
18 resilient asymmetric defense capabilities as rap-
19 idly as possible, including from foreign sup-
20 pliers, if necessary; and

21 (D) demonstrates progress on defense re-
22 forms required to maximize the effectiveness of
23 its asymmetric defenses, with special regard to
24 Taiwan's reserve forces; and

1 (5) in the course of executing such a security
2 assistance initiative, the United States should—

3 (A) seek to co-produce or co-develop cost-
4 effective and resilient asymmetric defense capa-
5 bilities with suppliers in Taiwan, including by
6 providing incentives to that effect, so long as
7 those suppliers can produce such capabilities at
8 a reasonable cost, in the quantities required, as
9 rapidly, and to the same quality and technical
10 standards as suppliers in the United States or
11 other countries; and

12 (B) encourage other countries, particularly
13 United States allies and partners, to sell, lease,
14 or otherwise provide appropriate asymmetric
15 defense capabilities to Taiwan so as to facilitate
16 Taiwan's rapid deployment of the asymmetric
17 defense capabilities required to deter or, if nec-
18 essary, defeat an invasion by the People's Re-
19 public of China.

20 **SEC. 3. TAIWAN SECURITY ASSISTANCE INITIATIVE.**

21 (a) IN GENERAL.—The Secretary of Defense shall es-
22 tablish an initiative, to be known as the “Taiwan Security
23 Assistance Initiative” (referred to in this Act as the “Ini-
24 tiative”), to accelerate Taiwan's deployment of asym-
25 metric defense capabilities required to deter or, if nec-

1 essary, defeat an invasion by the People’s Republic of
2 China.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$3,000,000,000 for the De-
5 partment of Defense for each of fiscal years 2023 through
6 2027 to provide assistance to the Government of Taiwan
7 under this section.

8 (c) AUTHORITY TO PROVIDE ASSISTANCE.—

9 (1) IN GENERAL.—The Secretary of Defense, in
10 coordination with the Secretary of State, shall use
11 the funds authorized to be appropriated under sub-
12 section (b) to provide assistance to the Government
13 of Taiwan for the purpose described in subsection
14 (d).

15 (d) PURPOSE.—The purpose of the Initiative is to
16 provide assistance, including equipment, training, and
17 other support, to the Government of Taiwan so as to accel-
18 erate Taiwan’s deployment of asymmetric defense capa-
19 bilities required to achieve, with limited support from the
20 United States Armed Forces for the initial days, weeks,
21 or months after the initiation of an invasion by the Peo-
22 ple’s Republic of China of Taiwan, the following objectives:

23 (1) To delay, degrade, and deny attempts by
24 People’s Liberation Army forces to enter or transit
25 the Taiwan Strait and adjoining seas.

1 (2) To delay, degrade, and deny attempts by
2 People's Liberation Army forces to secure a
3 lodgment on Taiwan and expand or otherwise use
4 that lodgment to seize control of a population center
5 or other key territory in Taiwan.

6 (3) To prevent the People's Republic of China
7 from decapitating, seizing control of, or otherwise
8 neutralizing or rendering ineffective the Government
9 of Taiwan.

10 (e) ASYMMETRIC DEFENSE CAPABILITIES.—In this
11 section, the term “asymmetric defense capabilities” in-
12 cludes, in such quantities as the Secretary of Defense de-
13 termines to be necessary to achieve the purpose specified
14 in subsection (d), the following:

15 (1) Mobile, ground-based coastal defense cruise
16 missiles and launchers.

17 (2) Mobile, ground-based short-range and me-
18 dium-range air defense systems.

19 (3) Smart, self-propelled naval mines and coast-
20 al minelaying platforms.

21 (4) Missile boats and fast-attack craft equipped
22 with anti-ship and anti-landing craft missiles.

23 (5) Unmanned aerial and other mobile, resilient
24 surveillance systems to support coastal and air de-
25 fense operations.

1 (6) Equipment to support target location,
2 tracking, identification, and targeting, especially at
3 the local level, in communications degraded or de-
4 nied environments.

5 (7) Man-portable anti-armor weapons, mortars,
6 and small arms for ground combat operations.

7 (8) Equipment and technical assistance for the
8 purpose of developing civil defense forces, composed
9 of civilian volunteers and militia.

10 (9) Training and equipment, including appro-
11 priate war reserves, required for Taiwan forces to
12 independently maintain, sustain, and employ capa-
13 bilities described in paragraphs (1) through (8).

14 (10) Concept development for coastal defense,
15 air defense, decentralized command and control, civil
16 defense, logistics, planning, and other critical mili-
17 tary functions, with an emphasis on operations in a
18 communications degraded or denied environment.

19 (11) Any other capability the Secretary of De-
20 fense considers appropriate for the purpose de-
21 scribed in subsection (d).

22 (f) AVAILABILITY OF FUNDS.—

23 (1) PLAN.—Not later than December 1, 2022,
24 and annually thereafter, the Secretary of Defense, in
25 coordination with the Secretary of State, shall sub-

1 mit to the appropriate committees of Congress a
2 plan for using funds authorized to be appropriated
3 under subsection (b) for the purpose specified in
4 subsection (d).

5 (2) INITIAL CERTIFICATION.—Amounts author-
6 ized to be appropriated under subsection (b) for fis-
7 cal year 2023 may not be obligated or expended
8 until the date on which the Secretary of Defense, in
9 coordination with the Secretary of State, certifies
10 that the Government of Taiwan has committed—

11 (A) to spending an equivalent amount on
12 asymmetric defense capabilities in fiscal year
13 2023;

14 (B) to spending not less than two and a
15 half percent of Taiwan's national gross domes-
16 tic product on defense on an annual basis by
17 the end of fiscal year 2025, and not less than
18 three percent of Taiwan's national gross domes-
19 tic product on defense on an annual basis by
20 the end of fiscal year 2027, including expendi-
21 tures under the normal defense budget and any
22 supplemental or special defense budgets of Tai-
23 wan;

24 (C) to acquiring asymmetric defense capa-
25 bilities as rapidly as possible, including from

1 suppliers in the United States or other coun-
2 tries, if the Secretary of Defense determines
3 that such suppliers will be able to provide such
4 capabilities at a reasonable cost, in sufficient
5 quantities, of sufficient quality and technical
6 standards, and more rapidly than suppliers in
7 Taiwan; and

8 (D) to undertaking the defense reforms re-
9 quired to maximize the effectiveness of an
10 asymmetric defense against an invasion by the
11 People's Republic of China, including by im-
12 proving organization, mobilization, and training
13 of the reserve forces and other military per-
14 sonnel of Taiwan.

15 (3) SUBSEQUENT CERTIFICATIONS.—Amounts
16 authorized to be appropriated under subsection (b)
17 for each of fiscal years 2024, 2025, 2026, and 2027
18 may not be obligated or expended until the date on
19 which the Secretary of Defense, in coordination with
20 the Secretary of State, certifies that the Government
21 of Taiwan has committed—

22 (A) to spending an equivalent amount on
23 asymmetric defense capabilities in the applica-
24 ble fiscal year and upheld its commitment to
25 spend an equivalent amount as the United

1 States in the preceding fiscal year on asym-
2 metric defense capabilities to be deployed by
3 Taiwan;

4 (B) to spending not less than two and a
5 half percent of Taiwan's national gross domes-
6 tic product on defense on an annual basis by
7 the end of fiscal year 2025, and not less than
8 three percent of Taiwan's national gross domes-
9 tic product on defense on an annual basis by
10 the end of fiscal year 2027, including expendi-
11 tures under the normal defense budget and any
12 supplemental or special defense budgets of Tai-
13 wan, and demonstrated progress toward these
14 spending targets in the preceding fiscal year;

15 (C) to acquiring asymmetric defense capa-
16 bilities as rapidly as possible, including from
17 suppliers in the United States or other coun-
18 tries, if the Secretary of Defense determines
19 that such suppliers will be able to provide such
20 capabilities at reasonable cost, in sufficient
21 quantities, of sufficient quality and technical
22 standards, and more rapidly than suppliers in
23 Taiwan, and upheld its commitment to acquire
24 asymmetric defense capabilities as rapidly as
25 possible in the preceding fiscal year; and

1 (D) to undertaking the defense reforms re-
2 quired to maximize the effectiveness of an
3 asymmetric defense against an invasion by the
4 People's Republic of China, including by im-
5 proving the organization, mobilization, and
6 training of the reserve forces and other military
7 personnel of Taiwan, and demonstrated
8 progress on such reforms in the preceding fiscal
9 year.

10 (4) NOTIFICATION TO CONGRESS.—Not later
11 than 30 days after making a certification under
12 paragraph (2) or (3), the Secretary of Defense shall
13 submit to the appropriate committees of Congress a
14 notice and explanation of such certification.

15 (5) REMAINING FUNDS.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), amounts appropriated for a fiscal
18 year pursuant to the authorization of appro-
19 priations under subsection (b) that are not obli-
20 gated and expended during that fiscal year shall
21 be added to the amount that may be used for
22 the Initiative in the subsequent fiscal year.

23 (B) RESCISSION.—Amounts appropriated
24 pursuant to the authorization of appropriation
25 under subsection (b) that remain unobligated

1 by the end of fiscal year 2027 shall be re-
2 scinded and deposited into the general fund of
3 the Treasury.

4 (g) DEFENSE ARTICLES AND SERVICES FROM
5 UNITED STATES INVENTORY AND OTHER SOURCES.—

6 (1) IN GENERAL.—In addition to assistance
7 provided pursuant to subsection (c), the Secretary of
8 Defense, in coordination with the Secretary of State,
9 may make available to the Government of Taiwan,
10 in such quantities as the Secretary of Defense con-
11 siderers appropriate for the purpose described in sub-
12 section (d), the following:

13 (A) Weapons and other defense articles
14 from the United States inventory and other
15 sources.

16 (B) Excess defense articles from the
17 United States inventory.

18 (C) Defense services.

19 (2) REPLACEMENT.—Amounts for the replace-
20 ment of any item provided to the Government of
21 Taiwan under paragraph (1)(A) may be made avail-
22 able from the amount authorized to be appropriated
23 under subsection (b).

1 (h) TERMINATION OF AUTHORITY.—Assistance may
2 not be provided under this section after September 30,
3 2027.

4 **SEC. 4. LIMITATION ON CONVENTIONAL ARMS SALES.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) historically, the Government of Taiwan has
8 prioritized the acquisition of conventional weapons
9 that would be of limited utility in deterring or de-
10 feating an invasion by the People’s Republic of
11 China at the expense of the timely acquisition of
12 cost-effective and resilient asymmetric defense capa-
13 bilities;

14 (2) the United States Government has often
15 shared responsibility for the misguided prioritization
16 of defense acquisitions described in paragraph (1) by
17 approving sales of conventional weapons to Taiwan,
18 despite knowledge that such sales would do little to
19 enhance, and may even undermine, the ability of
20 Taiwan to deter or defeat an invasion by the Peo-
21 ple’s Republic of China;

22 (3) the misguided prioritization of defense ac-
23 quisitions described in paragraph (1) has not only
24 undermined the ability of Taiwan to deter or defeat
25 an invasion by the People’s Republic of China, but

1 has also placed at greater risk of death or injury
2 members of the United States Armed Forces who
3 may come under attack or be asked to come to the
4 aid of Taiwan to repel such an invasion; and

5 (4) any future sales, leases, or other provision
6 of conventional weaponry to Taiwan by the United
7 States should be conditioned on meaningful progress
8 by the Government of Taiwan on the acquisition of
9 appropriate asymmetric defense capabilities.

10 (b) STATEMENT OF POLICY.—For each of fiscal
11 years 2023 through 2027, the United States Government
12 shall not sell, lease, or otherwise provide military capabili-
13 ties to Taiwan other than asymmetric defense capabilities
14 described in subsection (e) of section 3 until the earlier
15 of—

16 (1) the date on which the Secretary of Defense
17 has submitted a notification under subsection (f)(4)
18 of that section for the fiscal year in which the Gov-
19 ernment of Taiwan has requested the sale, lease, or
20 other provision of military capabilities other than
21 such asymmetric defense capabilities; or

22 (2) the date on which the Secretary of Defense
23 certifies to the appropriate committees of Congress
24 that the sale, lease, or other provision to Taiwan of

1 military capabilities other than such asymmetric de-
2 fense capabilities—

3 (A) is necessary to enhance the ability of
4 Taiwan to deter or, if necessary, defeat an inva-
5 sion by the People’s Republic of China; or

6 (B) will not slow, delay, limit, or otherwise
7 detract from or undermine the ability of Taiwan
8 to deploy such asymmetric defense capabilities.

9 **SEC. 5. DEFINITION OF APPROPRIATE COMMITTEES OF**
10 **CONGRESS.**

11 In this Act, the term “appropriate committees of
12 Congress” means—

13 (1) the Committee on Armed Services and the
14 Committee on Foreign Relations of the Senate; and

15 (2) the Committee on Armed Services and the
16 Committee on Foreign Affairs of the House of Rep-
17 resentatives.